

SAVINO 2-1

DDM99-025



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Vito Savino and James Richard Walton

For: APPARATUS AND
METHOD FOR SITUATING AN
INDUCTIVE ELEMENT IN ASSOCIATION
WITH A ROD WITHIN AN ELECTRICAL
CIRCUIT

Serial No. 09/596,163

Examiner: Nguyen, Tuyen T.

Filed: June 16, 2000

Group Art Unit: 2832

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ELECTION

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

In the Official Action dated August 20, 2002, the Examiner required an election of one of the inventions below under 35 U.S.C. 121:

- I. Claims 1 – 10, drawn to an apparatus for affixing an inductive element, classified in class 29, subclass 729.
- II. Claims 11-12, drawn to an inductive apparatus, classified in class 336, subclass 174.
- III. Claim 13 drawn to a method for installing an inductive toroidal element, classified in class 29, subclass 446.

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According to the Examiner, Inventions [I] and [II] are related as subcombinations disclosed as usable together in a single combination. The Examiner opined that the subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, according to the Examiner, invention [I] has separate utility such as the affixing apparatus can be used for other devices. The Examiner referred to MPEP §806.05(d).

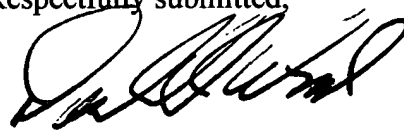
Further according to the Examiner, inventions [II] and [III] are related as process and apparatus for its practice. The Examiner opined that the inventions are distinct if it can be shown that with either (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. The Examiner referred to MPEP §806.05(e). According to the Examiner, in this case the inductive apparatus can be installed using automation process.

Applicants respectfully traverse the Examiner's restriction requirement. However, in the interest of facilitating examination of the application, Applicants hereby elect to proceed with examination regarding invention I above: Claims 1 – 10 drawn to an apparatus for affixing an inductive element, classified in class 29, subclass 729.

Applicants respectfully request an extension of the period for response to the Office Action for one month until October 20, 2002, and the required fee under 35 U.S.C. 1.17(a)(1) is enclosed with this response.

Since Applicants have fully and completely responded to the Official Action, this Application is now in order for early action and such early action is respectfully requested. If the Examiner would deem a telephone conference to be of value in expediting this Application, he is invited to call the undersigned attorney at (972) 758-1955 at his convenience.

Respectfully submitted,



Donald D. Mondul

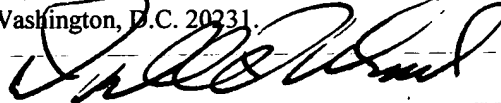
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I certify that this document is being deposited on September 23, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Donald D. Mondul, Attorney for Applicants